

As the number of coronavirus (COVID-19) cases grows daily, employers are dealing with the difficult situation of responding to an employee's positive COVID-19 test.

When an employee notifies you that they are sick with COVID-19 or are suspected but unconfirmed (person with symptoms or who has been exposed to a confirmed case, but not confirmed themselves), employers are responsible for handling the situation swiftly to protect the health of other employees, customers, vendors and third parties onsite.

Employers should consider the below areas when a sick or suspected but unconfirmed employee notifies the company. Employers should note that these are general principles that can change rapidly depending on the specific circumstances and federal, state and local guidance.

1. Immediate Response to a Sick Employee

- Immediately notify your designated Employer Flexible Human Resources Consultant of a confirmed or suspected but unconfirmed positive employee.
- Ask the employee who they have been in close contact with in the past 14 days; including coworkers, customers, vendors or third parties with whom the employee may have encountered at the worksite and [document](#) those individuals.
- Remove the employee from the physical worksite if they are not already working remotely.
- Inform the employee that they may work remotely if their symptoms do not prevent them from doing so and if [telecommuting](#) is an option.
- Keep employee's **identity confidential** as required by the Americans with Disabilities Act.

- Inform the sick employee that they may use available leave time, including emergency paid sick leave or emergency paid family and medical leave under the [Families First Coronavirus Response Act \(FFCRA\)](#).

2. Protect All Other Employees

- Designate a COVID response team or COVID coordinator, if you haven't done so already.
- Provide [Exposure Communication](#) to known employees, customers, vendors, or third parties with whom the employee may have come into contact at work, including off-site work contacts and building management within the past 14 days that they may have been exposed to COVID-19.
- Employers should coordinate with employees to work remotely if possible, for those who may have come in contact with the sick employee within the 14-day period.

- Employees who encountered the sick employee and were not following Social Distancing protocol(s) without the proper PPE within the 14-day period or develop symptoms should consult with a health care provider or contact their [local health department](#) for free testing sites.
- Employees who are sick or suspected but unconfirmed should not return to work until the criteria to [discontinue home isolation](#) are met, in consultation with healthcare providers and state and local health departments.
- Should other employees become unable to work or unable to telecommute they may use available leave time, including emergency paid sick leave or emergency paid family and medical leave under the [Families First Coronavirus Response Act \(FFCRA\)](#).

3. Disinfect Workplace Environment

- Perform enhanced cleaning and disinfection of confirmed or suspected employee's workspace in accordance with [CDC cleaning recommendations](#).
- Have breakrooms, bathrooms, elevators and all surrounding common areas and communal items the employee may have come in contact with professionally cleaned.

4. Preventable Measures

- Implement a [Health Screening Procedure](#)
- [Questionnaire](#)
 - Decide if the questionnaire will be mandatory for all employees.
- Temperature checks
 - Decide if the checks need to be mandatory.
 - Check industry, local guidance and employees' Exposure to Risk to determine if your company should be enforcing.
 - Decide if you want an internal employee to handle or hire a Third-Party Scanner?
 - Determine compensability of Waiting Time for non-exempt employees while they wait to be checked.

5. COVID-19 in the Workplace

- Employees should be advised on how to report an illness to their supervisor/Human Resources departments confidentially, and in accordance with applicable laws.
- While it is difficult to determine where an employee may have contracted COVID, those who may have a contracted COVID due to exposure in the workplace may be eligible for Workers Compensation.
 - Contact Risk@Employerflexible.com to notify Employer Flexible of any positive cases, to determine if they are reportable under Workers Compensation policy.

6. Consult the Latest Guidance from the CDC and OSHA

- OSHA recordkeeping requirements mandate covered employers record certain work-related injuries and illnesses on their OSHA 300 log.
 - Employers are responsible for recording a COVID-19 case if it is confirmed as a COVID-19 illness; is [work-related](#); and involves one or more of the [general recording criteria](#), such as medical treatment beyond first aid or days away from work.
- Consult applicable guidance from state and [local health officials](#).
- Be aware that recommendations from the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) may change during this crisis.

Employer Flexible Support

Employer Flexible is here to help during these uncertain times. Contact us today for additional COVID-19 resources and guidance for how your company can respond.

- Contact your assigned HR Consultant or hrconsultant@employerflexible.com, if you would to discuss sensitive employee scenarios or if you need assistance with building policies.
- Contact our Risk Department if you have safety related questions, 1.888.983.5881 or Risk@employerflexible.com.
- For additional resources please visit our COVID-19 resource center

This guide is intended for informational purposes only and does not include state or local guidance related to COVID-19. In addition, it should not be used as legal or medical advice. Please consult a legal or medical professional for further advice.